

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**

Holiday Inn San Diego-Downtown
1617 First Avenue
San Diego, CA 92101

Friday, August 4, 2006

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
James McGhee, Vice-President
Howard Adelman, Ph.D.
Linda Lindholm
Sharon O'Connor, Ph.D.
William Lew Tan
William Thomas, Ph.D.

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kris Rose, Licensing/Registration Program Coordinator
Victoria Thornton, Enforcement Coordinator

9:05 A.M. Closed Session

The Board met in closed session pursuant Government Code Section 11126(c)(3) to discuss and vote on disciplinary decisions.

10:30 A.M. – Open Session Committee Meetings

The Credentials Committee and Consumer Education Committee met to discuss and formulate recommendations to the Board.

1:20 P.M. – Open Session Committee Meetings

The Examination Committee, Legislation Committee, and Personnel and Board Operations Committee met to discuss and formulate recommendations to the Board.

3:20 P.M. – Open Session Committee Meetings

The Continuing Education Committee and Enforcement Committee met to discuss and formulate recommendations to the Board.

Saturday, August 5, 2006

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 8:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
James McGhee., Vice-President
Howard Adelman, Ph.D.
Sharon O'Connor, Ph.D.
William Lew Tan
William Thomas, Ph.D.

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kris Rose, Licensing/Registration Program Coordinator
Victoria Thornton, Enforcement Coordinator

Agenda Item #1 – Approval of Open Session Minutes

It was M(Tan)/S(McGhee)/C to approve the May 5-6, 2006, open session minutes with some minor corrections.

Agenda Item #2 – President's Report – Dr. Horn

a) 2006/2007 Strategic Plan

Dr. Horn reported that the 2006/2007 Strategic Plan was approved at the May Board meeting and presented the Board with the final version of the plan.

b) ASPPB Annual Meeting

Dr. Horn reported that the ASPPB Annual Meeting will be held in October. She encouraged all Board members to attend.

c) Other President's Informational Items

None.

Agenda Item #3 – Executive Officer's Report – Mr. Kahane

a) Consumer Health Fairs Update

Mr. Kahane reported that he and Mr. Thomas attended the Black Expo in Oakland, CA, on July 15-16, 2006. He stated that the event went extremely well and the Board's contributions were well received. The Board will also be attending other health fairs and events through contacts made during this event.

b) Budget

After review with the Board's budget officer, Mr. Kahane reported that the budget for the Board of Psychology is within recommended operating limits, with an appropriate surplus.

c) Board Office Relocation

Mr. Kahane reported that the Board's office will be moving. The Department of Consumer Affairs (DCA) will be assisting financially. Mr. McGhee expressed his concern regarding the location of the new office which is in a high-crime area. Safety concerns for staff are of primary concern. Mr. Kahane assured the Board that security issues are being addressed to their satisfaction by the DCA and in the terms of the lease.

Mr. McGhee proposed that the Board meet with the DCA. Mr. McGhee and Dr. Horn will make an appointment with the DCA to carry the Board's concern about the new location.

d) Other Executive Officer's Informational Items

Mr. Kahane reported on changes that were made to the Board's web site, including new logo, header and icon designations for ease of navigation for consumers, applicants and licensees. He also stated the entire DCA web site will be re-done under new specifications in January 2007. The Board will be using the tab/folder format, and will remove and "clean up" outdated and unnecessary links and URL's (Uniform Resource Locators).

Mr. Kahane noted the office purchased updated programs and equipment for more professional presentations of Board materials and documents. These include Adobe Acrobat Professional (to enable disc and hard drive document searches), MS Word 2003 (adding .pdf conversions to all documents and additional document search capability) and a professional binding system for Board meeting materials and in-house manuals.

Mr. Kahane explained the unusual delay in the Board members receiving materials due to the new binding system and last minute agenda items. The Board Members' materials will be sent in a more timely fashion, with Mr. Kahane stating a target of 10-14 days prior to the Board meeting. Supplemental information will be provided as needed.

Mr. Kahane stated the Chinese and Korean brochures have been redone by the original translator. They were still unacceptable. A new translation service will correct those booklets, review the others and translate our two primary Consumer Brochures into four additional languages based on California diversity and regional statistics. In addition to booklets previously done in English, Spanish, Chinese and Korean, the additional languages are Hmong, Vietnamese, Tagalog and Russian.

Mr. Kahane reported consumer outreach is continuing to hospitals and health care systems through administrative meetings with providers. This is to distribute Consumer Guides to their diverse patient population. There has been some concern regarding the amount of "paperwork" given to that population in the health care setting. We are following up on the providers concerns and emphasizing the importance of consumer awareness for psychological services in any and all areas where the public can become informed.

Mr. Kahane noted staff cross-training and classes for applicable job positions are continuing and staff have been attending some excellent training seminars contributing to job ownership and position excellence.

Mr. Kahane stated he and Jeff Thomas will be attending the CPA Division II meeting in October in San Francisco. They will also have a booth, representing the Board of Psychology, during the Los Angeles County Psychological Association Convention in October in Los Angeles.

Mr. Kahane reported he and Mr. Thomas attended planning seminars presented by the Office of Emergency Services for Continuity of Operations and Continuity of Government (COOP/COG) in the event of a disaster, regionally or statewide. The templates and design will be incorporated in a specific COOP/COG plan for the Board of Psychology, for submission to the DCA in September. This will coincide with the review of the present Business Continuity Plan from 1999, and assist in modifying our plan to meet current standards as required by Executive Order S-04-06.

Agenda Item #4 – Regulations Update

a) Supervised Professional Experience (Modified Language) – Adoption of Amendments to Title 16, California Code of Regulations sections 1387 and 1390.3

Ms. Bradbury stated that at the regulation hearing at the May Board meeting, it was noted that technical changes needed to be made to the proposed language. The Board delegated authority to staff to modify the proposed language and issue a 15-Day Notice of Modified Changes. If no written comments were received, staff was to move forward with the final rulemaking process. The Board did receive one written comment from Allison Parelman, Ph.D. who suggested the language be modified to make some technical corrections to the proposed wording of section 1387(a)(2)(A). Ms. Parelman also stated that the California Psychology Internship Council (CAPIC) does not accredit post-doc internships. Board staff drafted and prepared a second modified language for Board review and approval. The Board discussed and approved the second modified language and requested staff to issue a second 15-Day Notice of Modified Changes and, in the absence of any negative comments, proceed with the final rulemaking process.

It was M(Tan)/S(O'Connor)/C to accept the second modified language, issue a 15-day notice and to delegate to the Executive Officer the authority to make any nonsubstantive changes and proceed with the final rulemaking process absent receiving any negative comments.

b) Waiver of Exam Under Section 1946 for Applicants Certified by the American Board of Professional Psychologists (ABPP) – Reconsideration and Adoption of Amendments to Title 16, California Code of Regulations sections 1388.6 and 1381.5

Ms. Bradbury stated that three written comments were received regarding this regulation amendment and were inadvertently left out of Board members' packets at the regulation hearing in May. The Board considered the two negative comments received and determined that there is sufficient public protection under ABPP safeguards. The third written comment was in favor of the proposed amendment and the Board accepted the comment in support of the proposed regulation.

It was M(O'Connor)/S(Tan)/C to reject two comments, accept one comment, and delegate to the Executive Officer the authority to make any nonsubstantive changes and proceed with the final rulemaking process.

c) “Independent” Learning – Amendments to Title 16, California Code of Regulations sections 1397.60 and 1397.62

Ms. Bradbury reported that the final rulemaking file for sections 1397.60 and 1397.62 had been recently submitted to the DCA Legal Office.

d) Continuing Education – Amendments to Title 16, California Code of Regulations section 1397.61(b)

Ms. Bradbury reported that the final rulemaking file for section 1397.61(b) had been recently submitted to the DCA Legal Office.

e) Disciplinary Guidelines – Amendments to Title 16, California Code of Regulations section 1397.12

Ms. Bradbury reported that the final rulemaking file for section 1397.12 had been submitted to the DCA Legal Office.

f) Public Comment

None.

Agenda Item #5 – Regulation Hearing

a) Title 16, California Code of Regulations Section 1396.5 – Consumer Information

Dr. Horn conducted the regulation hearing on Consumer Information (section 1396.5). The Board received one written comment suggesting that the Board post the notices and brochures in the different languages on the Board's web site, thereby permitting instant access and up-to-date information. The Board accepted the comment and noted that it is the policy of the Board to post information on the Board's website as it becomes available.

It was M(Tan)/S(McGhee)/C to adopt the proposed regulation as noticed.

It was M(Tan)/S(McGhee)/C to delegate the authority to the Executive Officer to make any non-substantive changes and proceed with the final rulemaking process.

Agenda Item #6 – Continuing Education Committee Report – Dr. Adelman

a) Strategic Plan Update

Dr. Adelman updated the Board regarding the strategic objectives of the Continuing Education Committee.

b) Continuing Education Statistics

Dr. Adelman presented the Board with statistics showing the non-compliance rates of psychologists for the previous year.

c) Continuing Discussion of Ways to Improve Continuing Education Requirements

Dr. Adelman presented the Board with an expanded agenda for the Continuing Education Committee. This agenda included defining the functions of the committee and a plan for the reorganization of the continuing education section of the Board's web site.

d) Public Comment

None.

Agenda Item #7 – Credentials Committee Report – Mr. Tan

a) Strategic Plan Update

Mr. Tan reported that the strategic objectives are still a work in progress. The Credentials Committee will maintain the target dates as stated in the 2006-2007 Strategic Plan, although progress is slower than anticipated.

b) American Psychological Association's New Policy on Supervised Professional Experience (SPE)

Mr. Tan reported that the APA has departed from their original Model Act and has now adopted a new policy that allows all SPE to be accrued predoctorally. The Board, along with the California Psychological Association, are monitoring this new policy to determine what path, if any, the Board would like to take.

c) A.J. – Review Plan for Supervised Professional Experience in Non-Mental Health

Mr. Tan reported that the Credentials Committee recommended approval of A.J.'s plan subject to getting further information regarding the delegated supervisor.

d) V.V. – Review Plan for Supervised Professional Experience in Non-Mental Health

Mr. Tan reported that the Credentials Committee recommended approval of V.V.'s plan subject to getting further information regarding the delegated supervisor.

e) J.H. – Review Plan for Supervised Professional Experience in Non-Mental Health

Mr. Tan reported that the Credentials Committee recommended approval of J.H.'s plan for Supervised Professional Experience in Non-Mental Health.

f) S.M. – Review Plan for Supervised Professional Experience in Non-Mental Health

Mr. Tan reported that the Credentials Committee recommended approval of S.M.'s plan for Supervised Professional Experience in Non-Mental Health.

g) B.M. – Review Plan for Supervised Professional Experience in Non-Mental Health

Mr. Tan reported that the Credentials Committee recommended approval of B.M.'s plan for Supervised Professional Experience in Non-Mental Health.

h) G.L. – Re-Evaluation of Denied Hours of Supervised Professional Experience

Mr. Tan reported that the Credentials Committee revisited the committees' previous decision on the denial of 1500 hours of supervised professional experience for G.L. After further review of the documentation provided by G.L., the committee recommended accepting G.L.'s 1500 hours as meeting the requirements of section 1387 of the California Code of Regulations.

i) S.J. – Request for Appeal of Denial of Supervised Professional Experience

Mr. Tan reported that the Credentials Committee recommended denial of S.J.'s request for an appeal to the denial of the supervised professional experience which she accrued over an 83-month period. The committee based their denial on the substantial amount of time S.J. took over the 30 consecutive months allowed under section 1387(a) to complete the required 3000 hours of supervised professional experience.

j) V.E.T. – Request for Re-Evaluation of Denial of Application for Licensure

Mr. Tan reported that the Credentials Committee recommended approval of V.E.T.'s request for re-evaluation of the denial of her application for licensure. The approval was based on a letter received by the Dean at the University of California, Los Angeles verifying that V.E.T.'s degree was considered a doctorate degree in psychology which meets the requirements of section 2914 of the Business and Professions Code.

It was M(Credentials Committee)/C to accept the Credentials Committee's recommendations on items C-J.

k) Draft Language to Recommend Amendments to Title 16, California Code of Regulations section 1387.3 (SPE for Trainees Preparing for Practice in Non-Mental Health Services)

Mr. Tan reported that the Credentials Committee is continuing to work on the new language for section 1387.3 of the California Code of Regulations. The Committee will be adding the proposed language to the Board's web site to encourage comments and suggestions about the proposed language.

l) Public Comment

None.

Agenda Item #8 – Examination Committee Report – Dr. Thomas

a) Strategic Plan Update

Dr. Thomas reported that ASPPB and PES will be working together in order to create a secure website where licensing candidates can receive their EPPP results. This feature should be available sometime within the next 6 months. It was determined that since ASPPB and PES will be creating this capability, the Board will no longer need to list this as one of its strategic objectives.

Dr. Thomas reported that in keeping with the Board's strategic objective to update the CPSE with content that is also relevant to psychologists who practice in non-mental health areas, the committee suggested that the Board, with the assistance of the Office of Examination Resources (OER), begin the process of expanding the CPSE. Board staff has already started this process by including information in the July addition of the BOP Update to enlist interested psychologists to help in this. The Examination Committee will continue to discuss this at the November Strategic Planning meeting.

b) ASPPB – CPQ Reciprocity Regarding California Psychology Supplemental Exam (CPSE) Testing Criteria

Stephen DeMers, Ed.D., Executive Officer of the ASPPB informed the Examination Committee that they have an agreement with CPQ holders that they will not be assessed on their competence to practice. In 2006 the Board changed the CJPEE to the CPSE which includes areas other than laws and ethics. It was determined that the Board should consider administering a laws and ethics only examination for any licensee who has been licensed over 5 years in another jurisdiction. The Board along with OER will start working on this process as well as creating the regulations to support the change.

c) California Psychology Supplemental Exam (CSPE) Update

Dr. Thomas reported that as of July 24, 2006, a total of 244 candidates have taken the CPSE. There have been 238 candidates who have passed and 6 who have failed the exam. A new form of the CPSE will begin on September 1, 2006, and will continue for six months. The results for the new form of the exam should be released by the Board around the middle of November 2006.

d) Public Comment

None.

Agenda Item #9 - Enforcement Committee Report

a) Strategic Plan Update

Ms. Thornton reported that the strategic objectives were discussed and all items are currently on target with their implementation dates.

b) Enforcement Statistics

Ms. Thornton presented the fiscal year statistics to the Board. She noted that there is an increase in the number of complaints received by the Board. The increase was attributed to greater consumer awareness of the Board and the complaint process.

c) Expert Reviewer Appointments

The committee reviewed applications and recommended that the Board accept two of the three applicants for the expert reviewer program.

It was M(Tan)C to accept the recommendations of the Enforcement Committee to approve Preston Davis, Ph.D. and Marsha Hewlett, Ph.D. as expert reviewers for the Board. The third candidate will be asked to provide more information and that application will be brought back to the November Board meeting.

d) Public Comment

None.

Agenda Item #10 - Disaster Response

Dr. O'Connor introduced Denee Lougeay, Ph.D., California Psychological Association's Disaster Response Coordinator, who made a presentation to the Board regarding disaster response.

The Board thanked Dr. Lougeay for coming and stated that they found her presentation enormously helpful.

Agenda Item #11 – Legislation Committee Report – Mr. McGhee

a) Strategic Plan Update

Mr. McGhee reported that Strategic Objective 5.01 has been completed.

b) AB 1852 (Yee)

Mr. McGhee reported that AB 1852 would expand the list of those eligible to apply for grants under the Licensed Mental Health Services Provider Education Program under the Office of Statewide Health Planning by revising the definition of "licensed mental health care practitioner" to include, among others, registered psychologists, postdoctoral psychological assistants, and postdoctoral psychology trainee.

c) AB 1994 (Leslie)

Mr. McGhee reported that AB 1994, signed into law by the Governor on July 21, 2006, will exempt a health care provider from liability when he or she does not make a minor's health records available for copying because the provider has determined that access to the patient's records would have a detrimental effect on the provider's relationship with the minor.

d) AB 2257 (Committee on Business and Professions)

Mr. McGhee reported that AB 2257, signed into law by the Governor on July 20, 2006, and which will become effective January 1, 2007, will add a new section 2919 to the Business and Professions Code. It states that a licensed psychologist shall retain a patient's health service records for a minimum of seven years from the patient's discharge date. If the patient is a minor, the patient's health service records shall be retained for a minimum of seven years from the date the patient reaches 18 years of age.

e) AB 2927 (Leno)

Mr. McGhee reported that AB 2927 would make various amendments to the California Public Records Act (CPRA) that would require state agencies that publish an Internet Web site to provide a link to specific information, including, but not limited to, how a member of the public may request public records, who to contact when making a request, a form for submitting public records requests online, agency employees' statements of economic interests, agency employment contracts, terms of litigation settlements, copies of records disclosed pursuant to the CPRA, and copies of letters or other communications requesting or denying CPRA requests.

f) SB 1307 (Poochigian)

Mr. McGhee reported that SB 1307 would seek to address existing discrepancies between California's Confidentiality of Medical Information Act (CMIA) and the federal Health Insurance Portability and Accountability Act (HIPAA) and to establish some guidelines for health care agents' disclosures of their principals' medical information. Specifically, this bill would, among other things, permit a physician or other health care provider covered by CMIA to disclose medical information to an individual's health care agent consistent with HIPAA.

g) SB 1476 (Figueroa)

Mr. McGhee reported that SB 1476 would extend the Sunset Review process for the Board by one year. Currently, the inoperative date for the Board is July 1, 2008 and as of January 1, 2009 is repealed. This bill, as amended, would extend these dates by one year to become inoperative July 1, 2009, and repealed as of January 1, 2010.

h) Public Comment

None.

Agenda Item #12 – Consumer Education Committee – Mr. McGhee

a) Strategic Plan Update

Mr. McGhee reported that the Consumer Education Committee's strategic objectives have been completed.

b) Consumer Outreach

Mr. McGhee indicated that the Consumer Education Committee had a lengthy discussion during the previous day's committee meeting. He thanked staff for getting involved with and attending the Black Expo in Oakland.

Mr. McGhee reported that the committee has been working on how to collaborate with other organizations to distribute information to organizations and consumers. He indicated that efforts need to target youth, diverse populations, and physically challenged consumers.

Mr. McGhee asked Jo Linder-Crow, Ph.D., Executive Director of the California Psychological Association (CPA), to talk about an outreach effort being made by CPA. Dr. Linder-Crow informed the Board that about a year ago, the CPA Board of Directors made diversity a top priority and established a Diversity Task Force. One of the projects that has been established is a needs assessment survey that CPA is planning to send to their members to collect information about what the needs of psychologists are for serving diverse populations. She reported that CPA would like to extend the survey to all licensed psychologists throughout the state. She stated that the goal is to increase the interest level of psychologists in this area by providing training. Dr. Linder-Crow asked the Board to include information regarding the survey in the BOP Update and to include a link to the survey on the Board's website.

Charlene Zettel, Director of the Department of Consumer Affairs reported to the Board regarding outreach efforts that the DCA has made including the recent Senior Summit, Privacy Protection Summit and the upcoming Cyber Safety for Children Summit which will be held on October 18, 2006, in Sacramento.

c) Web Site Statistics

Mr. Thomas presented the web site usage statistics.

d) BOP Update #13

Mr. McGhee thanked staff for doing a very good job on getting the BOP Update reformatted and completed. He asked that, in future editions of the newsletter, the list of Board members and staff be moved to the first page, and the table of contents be moved to page two.

e) Public Comment

None.

Agenda Item #13 – Personnel and Board Relations Committee- Mr. Tan

a) Strategic Plan Update

Mr. Tan reported that goal 6.01, regarding paperless storage, is still in process, and strategic goal 6.02, regarding the general fund loan issue, is something that needs to be revisited regarding the issue of a fee reduction for licensees. Mr. Tan stated that he and Mr. McGhee discussed a possible fee reduction on a smaller scale and would bring other options available to get the loan repaid to the next Board meeting.

b) Public Comment

None.

Agenda Item #14 – Public Comment on Items Not on the Agenda

Dr. Bruce Gordon, Chairman of Senior Clinicians of the Los Angeles Society of Clinical Psychologists (LASCP), addressed the Board to express his appreciation for the positive changes in Board. He stated that the Board is to be commended for its efforts, and that he will report this to the members of LASCP.

Agenda Item #15 – Agenda Items for Future Meetings

None.

It was M(Thomas)/C to adjourn.

The open session meeting adjourned at 10:40 a.m.

Jacqueline B. Horn, Ph.D.
President

Date